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**TITLE 71 INDIANA HORSE RACING COMMISSION**

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**Emergency Rule**

LSA Document #12-402(E)

**DIGEST**

Amends [71 IAC 1-1-1](#) and [71 IAC 1.5-1-1](#) regarding the applicability of rule definitions. Adds [71 IAC 1-1-36.5](#) and amends [71 IAC 7.5-5-1](#) regarding electronic registration systems. Amends [71 IAC 1-1-67.5](#) and adds [71 IAC 1.5-1-67.5](#) regarding out of competition testing. Adds [71 IAC 1-1-70.5](#) and adds [71 IAC 1.5-1-66.5](#) to define "open race". Amends [71 IAC 7.5-1-4](#) concerning coupled entries. Amends [71 IAC 13.5-3-5](#) regarding purse supplements. Amends [71 IAC 14-4-1](#) through [71 IAC 14-4-3](#) concerning awards. Repeals [71 IAC 1-1-71.5](#). Effective July 5, 2012.

[71 IAC 1-1-1](#); [71 IAC 1-1-36.5](#); [71 IAC 1-1-67.5](#); [71 IAC 1-1-70.5](#); [71 IAC 1-1-71.5](#); [71 IAC 1.5-1-1](#); [71 IAC 1.5-1-66.5](#); [71 IAC 1.5-1-67.5](#); [71 IAC 7.5-1-4](#); [71 IAC 7.5-5-1](#); [71 IAC 13.5-3-5](#); [71 IAC 14-4-1](#); [71 IAC 14-4-2](#); [71 IAC 14-4-3](#)

SECTION 1. [71 IAC 1-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 1-1-1](#) Applicability****Authority:** [IC 4-31-3-9](#)**Affected:** [IC 4-31](#)

Sec. 1. The definitions in this rule apply to throughout articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14 of this title.

(Indiana Horse Racing Commission; [71 IAC 1-1-1](#); emergency rule filed Feb 10, 1994, 9:20 a.m.: 17 IR 1113; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2814, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Apr 21, 2004, 3:45 p.m.: 27 IR 2753; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 2. [71 IAC 1-1-36.5](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 1-1-36.5](#) "Electronic registration system" defined****Authority:** [IC 4-31-3-9](#)**Affected:** [IC 4-31](#)

**Sec. 36.5. "Electronic registration system" means a software application available online and approved by the commission that allows an association racing secretary, or his designee, or the horse identifier, or his designee, full access to horse, trainer, and current owner records for all tracks in North America.**

(Indiana Horse Racing Commission; [71 IAC 1-1-36.5](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 3. [71 IAC 1-1-67.5](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 1-1-67.5](#) "Out of competition testing" defined****Authority:** [IC 4-31-3-9](#)**Affected:** [IC 4-31](#)

**Sec. 67.5. "Out of competition testing" means that the commission may test horses at any time and at any location within the state of Indiana for any prohibited substances, practices, and procedures set forth in [71 IAC 8.5-2-5](#). a test conducted by the commission on a horse located in Indiana as provided in [71 IAC 8-3-5](#).**

(Indiana Horse Racing Commission; [71 IAC 1-1-67.5](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 4. [71 IAC 1-1-70.5](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 1-1-70.5](#) "Open race" defined**

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

**Sec. 70.5. "Open race" means a contest whose starters are not comprised of exclusively Indiana Sired (IS) and/or Indiana Sired and Bred (ISB) horses.**

(Indiana Horse Racing Commission; [71 IAC 1-1-70.5](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 5. [71 IAC 1.5-1-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 1.5-1-1](#) Applicability**

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

Sec. 1. The definitions in this rule apply to articles 1.5, 2, 3.5, 4.5, 5.5, 6.5, 7.5, 8.5, 9, 10, 11, and 12, **13, 13.5, and 14.5** of this title.

(Indiana Horse Racing Commission; [71 IAC 1.5-1-1](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2815, eff Jul 1, 1995; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 6. [71 IAC 1.5-1-66.5](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 1.5-1-66.5](#) "Open race" defined**

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

**Sec. 66.5. "Open race" means a contest whose starters are not comprised of exclusively Indiana Bred and/or Indiana Sired horses.**

(Indiana Horse Racing Commission; [71 IAC 1.5-1-66.5](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 7. [71 IAC 1.5-1-67.5](#) IS ADDED TO READ AS FOLLOWS:

**[71 IAC 1.5-1-67.5](#) "Out of competition testing" defined**

Authority: [IC 4-31-3-9](#)

Affected: [IC 4-31](#)

**Sec. 67.5. "Out of competition testing" means a test conducted by the commission on a horse located in Indiana as provided in [71 IAC 8.5-2-5](#).**

(Indiana Horse Racing Commission; [71 IAC 1.5-1-67.5](#); emergency rule filed Jul 5, 2012, 2:14 p.m.:

SECTION 8. [71 IAC 7.5-1-4](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 7.5-1-4](#) Coupled entries**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 4. (a) Two (2) or more horses which are entered in a race shall be joined as a mutuel and single betting interest if they are owned or leased in whole or in part by the same owner. Horses trained by the same trainer but owned entirely by different owners shall be coupled as a single betting interest; however, the association, with the permission of the stewards, may uncouple such horses in quarter horse races.

(b) No more than two (2) horses having common ties through ownership or training may be entered in an overnight race. ~~Other than quarter horse time trials and time trial finals, in no circumstance may two (2) horses having common ties of ownership start to the exclusion of a single entry.~~ **No owner may start two (2) or more horses in a race to the exclusion of another owner's single entry except in stakes or stakes trials.** Preference for horses with the same trainer, but having no common ties of ownership, will be determined by the conditions of the race and/or preference date and may exclude a single entry.

(c) A trainer may not train for another trainer licensed in the state of Indiana.

*(Indiana Horse Racing Commission; [71 IAC 7.5-1-4](#); emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2865, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3406; emergency rule filed May 20, 1996, 10:00 a.m.: 19 IR 2892; emergency rule filed Jun 22, 2000, 3:05 p.m.: 23 IR 2780; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; emergency rule filed Feb 21, 2003, 4:15 p.m.: 26 IR 2383; emergency rule filed Aug 21, 2003, 4:45 p.m.: 27 IR 205; emergency rule filed Mar 20, 2007, 1:43 p.m.: [20070404-IR-071070198ERA](#), eff Mar 16, 2007 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-198(E) was filed with the Publisher March 20, 2007.]; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))*

SECTION 9. [71 IAC 7.5-5-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 7.5-5-1](#) Horses ineligible**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) A horse is ineligible to start in a race when:

(1) it is not stabled on the grounds of the association or present by the time established by the commission;  
(2) its breed registration certificate is not on file with the racing secretary or horse identifier, unless the racing secretary has submitted the certificate to the appropriate breed registry for correction, **or the information contained on the registration certificate is available to the racing secretary, or his designee, through the electronic registration system:**

(i) the stewards for good cause may waive this requirement if the horse is otherwise correctly identified to the satisfaction of the stewards and identifier;

(ii) upon claim, sale, or any other transfer of ownership and the foal certificate is not otherwise on file with the racing secretary, the previous owner shall present the foal certificate to the racing secretary within seventy-two (72) hours of the change of ownership so the ownership can be updated;

(iii) if the electronic registration system fails for any reason, the stewards may require presentation of a horse's registration certificate prior to a horse being entered or raced in Indiana;

(iv) the stewards may at any time require presentation of a horse's registration certificate; and

(v) a horse may not receive a preference date prior to entry unless the horse's registration paper is on file with the racing secretary;

(3) it is not fully identified and tattooed is the inside of the upper lip or identified by any other method approved

- by the appropriate breed registry and the commission;
- (4) it has been fraudulently entered or raced in any jurisdiction under a different name, with an altered registration certificate, or altered lip tattoo or other identification method approved by the appropriate breed registry and the commission;
- (5) it is wholly or partially owned by a disqualified person or a horse is under the direct or indirect training or management of a disqualified person;
- (6) it is wholly or partially owned by the spouse of a disqualified person or a horse is under the direct or indirect management of the spouse of a disqualified person, in such cases, it being presumed that the disqualified person and spouse constitute a single financial entity with respect to the horse, which presumption may be rebutted;
- (7) the stakes or entrance money for the horse has not been paid, in accordance with the conditions of the race;
- (8) its name appears on the starter's list, stewards' list, or veterinarian's list;
- (9) it is a first time starter and has not been approved to start by the starter;
- (10) it is owned in whole or in part by an undisclosed person or interest;
- (11) it lacks sufficient official published workouts or race past performances;
- (12) it has been entered in a stakes race and has subsequently been transferred with its engagements unless the racing secretary has been notified of such prior to the start;
- (13) it is subject to a lien which has not been approved by the stewards and filed with the horsemen's bookkeeper;
- (14) it is subject to a lease not filed with the stewards;
- (15) it is not in sound racing condition;
- (16) it has had a posterior digital neurectomy (heel denerving), which has not been approved by the official veterinarian;
- (17) it has been trachea tubed to artificially assist breathing;
- (18) it has been blocked with alcohol or otherwise drugged or surgically denerved to desensitize the nerves above the ankle;
- (19) it has impaired eyesight in both eyes;
- (20) it is barred or suspended in any recognized jurisdiction;
- (21) it does not meet the eligibility conditions of the race;
- (22) its owner or lessor is in arrears for any stakes fees, except with approval of the racing secretary;
- (23) its owners, lessors, lessees, or trainer have not completed the licensing procedures required by the commission;
- (24) it is by an unknown sire or out of an unknown mare;
- (25) there is no negative test certificate for equine infectious anemia issued within the preceding twelve (12) months attached to its breed registration certificate;
- (26) if a quarter horse, it has shoes (racing plates) that have toe grabs with a height greater than four (4) millimeters (fifteen thousand seven hundred forty-eight hundred-thousandths (0.15748) inches), or any other traction device on the front hooves while racing or training on all racing surfaces;
- (27) if a thoroughbred, it has shoes (racing plates) which have toe grabs with a height greater than two (2) millimeters (seven thousand eight hundred seventy-four hundred-thousandths (0.07874) inches), bends, jar caulks, stickers, or any other traction device on the front hooves while racing or training on all racing surfaces;
- (28) it has reached the age of twelve (12); or
- (29) it is a maiden that has reached the age of six (6);
- (30) whose race date is within ten (10) days of having extracorporeal shock wave or radial pulse wave therapy.

(b) The stewards may consider extenuating circumstances in determining ineligibility of a horse with respect to subsection (a)(1) and subsection (a)(2) [subsection (a)(1) and (a)(2)].

*(Indiana Horse Racing Commission; 71 IAC 7.5-5-1; emergency rule filed Jun 15, 1995, 5:00 p.m.: 18 IR 2870, eff Jul 1, 1995; emergency rule filed Aug 9, 1995, 10:30 a.m.: 18 IR 3408; readopted filed Oct 30, 2001, 11:50 a.m.: 25 IR 899; readopted filed Mar 23, 2007, 11:31 a.m.: [20070404-IR-071070030RFA](#); emergency rule filed Jul 23, 2007, 9:16 a.m.: [20070808-IR-071070461ERA](#), eff Jul 18, 2007 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #07-461(E) was filed with the Publisher July 23, 2007.]; errata filed Aug 14, 2007, 1:28 p.m.: [20070829-IR-071070461ACA](#); emergency rule filed Mar 12, 2008, 1:53 p.m.: [20080326-IR-071080191ERA](#), eff Mar 11, 2008 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #08-191(E) was filed with the Publisher March 12, 2008.]; emergency rule filed Mar 19, 2009, 11:07 a.m.: [20090401-IR-071090195ERA](#), eff Mar 12, 2009 [IC 4-22-2-37.1 establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-195(E) was filed with the Publisher March 19, 2009.]; emergency rule filed Mar 23, 2010, 1:27 p.m.:*

[20100331-IR-071100170ERA](#); emergency rule filed Mar 8, 2012, 11:43 a.m.: [20120321-IR-071120117ERA](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 10. [71 IAC 13.5-3-5](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 13.5-3-5](#) Purse supplement in open races**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 5. (a) A purse supplement is to be paid to the owner of an Indiana bred that places first, second, or third in all **open** allowance (including maiden special weights), **open** stakes, and **open** claiming races when entered for a claiming price of greater than or equal to ~~then ten~~ ten thousand dollars (\$10,000).

(b) The award shall be 40% of the purse earned and paid by the association (race track) with track purse funds generated from pari-mutuel handle. The association may, with the approval of the commission, elect to increase the purse supplement.

(Indiana Horse Racing Commission; [71 IAC 13.5-3-5](#); emergency rule filed Jul 19, 2010, 12:22 p.m.: [20100728-IR-071100480ERA](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 11. [71 IAC 14-4-1](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 14-4-1](#) Indiana bred bonus**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 1. (a) An Indiana bred bonus award is paid to the owner of an Indiana bred horse competing in **an** open company ~~(a race not restricted to Indiana bred horses)~~ at Hoosier Park or Indiana Downs that finishes first or second, except for races classified as a **an** eight thousand dollar (\$8,000) claiming (base claiming price) or higher.

(b) In the event of multiple owners/lessees, the award will be paid to the first individual listed with the USTA. It is the responsibility of that individual to distribute these monies to the remaining owner(s)/lessee(s).

(c) In the event of leased horses, if the lessee is listed as the official owner with the USTA, the award will be paid to the lessee.

(Indiana Horse Racing Commission; [71 IAC 14-4-1](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))

SECTION 12. [71 IAC 14-4-2](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 14-4-2](#) Indiana sired bonus**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 2. (a) An Indiana sired bonus award is paid to the owner of an Indiana sired horse, which was foaled prior to 2010, competing in **an** open company ~~(a race not restricted to Indiana sired horses)~~ at Hoosier Park or Indiana Downs that finishes first or second, except for races classified as eight thousand dollar (\$8,000) claiming (base claiming price) or higher.

(b) In the event of multiple owners/lessees, the award will be paid to the first individual listed with the USTA. It is the responsibility of that individual to distribute these monies to the remaining owner(s)/lessee(s).

(c) In the event of leased horses, if the lessee is listed as the official owner with the USTA, the award will be paid to the lessee.

*(Indiana Horse Racing Commission; [71 IAC 14-4-2](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))*

SECTION 13. [71 IAC 14-4-3](#) IS AMENDED TO READ AS FOLLOWS:

**[71 IAC 14-4-3](#) Indiana sired and bred bonus**

**Authority:** [IC 4-31-3-9](#)

**Affected:** [IC 4-31](#)

Sec. 3. (a) An Indiana sired and bred bonus is paid to the owner of any Indiana sired and bred horse competing in ~~an open company (a race not restricted to Indiana sired and bred horses)~~ at Hoosier Park or Indiana Downs that finishes first, second, or third except for races classified as eight thousand dollar (\$8,000) claiming (base claiming price) or higher.

(b) In the event of multiple owners/lessees, the award will be paid to the first individual listed with the USTA. It is the responsibility of that individual to distribute these monies to the remaining owner(s)/lessee(s).

(c) In the event of leased horses, if the lessee is listed as the official owner with the USTA, the award will be paid to the lessee. For foals of 2010 and later, Indiana sired and bred is defined as indicated in [71 IAC 14-1-3](#).

*(Indiana Horse Racing Commission; [71 IAC 14-4-3](#); emergency rule filed Jun 10, 2009, 12:45 p.m.: [20090617-IR-071090464ERA](#), eff May 29, 2009 [[IC 4-22-2-37.1](#) establishes the effectiveness of an emergency rule upon filing with the Publisher. LSA Document #09-464(E) was filed with the Publisher June 10, 2009.]; emergency rule filed Mar 3, 2011, 11:50 a.m.: [20110309-IR-071110100ERA](#); emergency rule filed Jul 5, 2012, 2:14 p.m.: [20120718-IR-071120402ERA](#))*

SECTION 14. [71 IAC 1-1-71.5](#) IS REPEALED.

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